

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

KELLY NICOLE DESMOND-NEWMAN,
Derivatively on Behalf of CEMTREX,
INC.,

Plaintiff,

vs.

SAAGAR GOVIL, ARON GOVIL, RAJU
PANJWANI, SUNNY PATEL, and
METODI FILIPOV,

Defendants,

-and-

CEMTREX, INC.,

Nominal Defendant.

Lead Case No.:

2:18-cv-03992-ADS-ARL

**PLAINTIFFS' UNOPPOSED MOTION
FOR PRELIMINARY APPROVAL OF
PROPOSED DERIVATIVE
SETTLEMENT**

TO: ALL PARTIES AND THEIR ATTORNEYS OF RECORD

PLEASE TAKE NOTICE THAT Plaintiffs Kelly Nicole Desmond-Newman and Matthias Scharf respectfully move this Court for an order preliminarily approving the proposed derivative settlement of the above-captioned action.

This Motion is supported by the accompanying Memorandum of Law, the Declaration of Thomas J. McKenna and the Stipulation of Settlement dated January 4, 2019 annexed thereto, and all of the prior pleadings and proceedings herein, and such other written or oral argument as may be permitted by the Court.

Dated: January 10, 2019

Respectfully submitted,

GAINEY McKENNA & EGLESTON

By: /s/ Thomas J. McKenna

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Lead Counsel for Plaintiffs

CERTIFICATE OF SERVICE

I certify that on January 10, 2019, I caused the foregoing to be electronically filed with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the counsel of record in this matter who are registered on the CM/ECF.

/s/ Thomas J. McKenna